

**AFFIDAVIT, ORDER, AND NOTICE OF GARNISHMENT  
AND ANSWER OF GARNISHEE**

**(PROPERTY OTHER THAN PERSONAL EARNINGS)**

**IN THE COMMON PLEAS COURT  
FRANKLIN COUNTY, OHIO**

State of Ohio Department of Taxation,  
Judgment Creditor,

vs.

Timothy S. Kildow  
SSN (XXX-XX-2599)  
Judgment Debtor.

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\* Case No. 10-JG-034382

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**RECEIVED**  
JUN 24 2016  
Faye D. English  
Chapter 13 Trustee

CLERK OF COURTS

2016 JUN 20 PM12:00

FILED  
COMMON PLEAS COURT  
FRANKLIN CO., OHIO

**AFFIDAVIT**

**The State of Ohio :  
County of Franklin : ss:**

The undersigned, first duly cautioned and sworn, deposes that I am attorney for the Judgment Creditor herein and that the Garnishee named **Faye D. English**, at the address of **Office of the Chapter 13 Trustee, 10 West Broad St., Suite 900, Columbus, OH 43215** may have in the Garnishee's hands or control money, property, or credits, other than personal earnings, of the Judgment Debtors.


**Description of Property/Bank Account Information:** Money on deposit with the Trustee's Office

**ATTORNEY FOR JUDGMENT CREDITOR:**

  
Karl C. Kerschner (0073269)  
Meyer & Kerschner, Ltd.  
106 E. Market St., P.O. Box 400  
Tiffin, OH 44883  
Telephone: (567) 207-3052

Sworn to and subscribed before me  
on this 20<sup>th</sup> day of June, 20 16.



  
DOUGLAS A. STEPHAN  
ATTORNEY AT LAW  
NOTARY PUBLIC  
STATE OF OHIO  
My Comm. Has No  
Expiration Date  
Section 147.03 R. C.

**This firm is a debt collector. We are attempting to collect a debt and any information obtained will be used for that purpose.**

EXHIBIT A

SECTION A.  
**COURT ORDER AND NOTICE OF GARNISHMENT**

TO:

Faye D. English  
Office of the Chapter 13 Trustee  
10 West Broad St., Suite 900  
Columbus, OH 43215  
**GARNISHEE**

FILED  
COMMON PLEAS COURT  
FRANKLIN CO., OHIO  
2016 JUN 20 PM 12:00  
CLERK OF COURTS

The Judgment Creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this Court stating that you may have money, property, or credits, other than personal earnings, in your hands or under your control that belong to the Judgment Debtors.

**You are therefore ordered to complete the "Answer of Garnishee" in section B of this form.** Return one completed and signed copy of this form to the clerk of this court together with the amount determined in accordance with the "Answer of Garnishee" by the following date on which a hearing is tentatively scheduled relative to this order of garnishment: \_\_\_\_\_. Deliver one completed and signed copy of this form to the Judgment Debtors prior to that date. Keep the other completed and signed copy of this form for your files.

**The total probable amount now due on this judgment is \$19,683.68.** (The total probable amount now due includes the unpaid portion of the judgment in favor of the Judgment Creditor, which consists of the principal amount of \$16,600.76, plus accrued interest, costs, and fees in the amount of \$3,082.92.)

You also are ordered to hold safely anything of value that belongs to the Judgment Debtors and that has to be paid to the court, as determined under the "Answer of Garnishee" in section B of this form, but that is of such a nature that it cannot be so delivered, until further order of the court.

Witness my hand and the seal of this court this 20<sup>th</sup> day of June, 2016.

151  
JUDGE

THE STATE OF OHIO  
Franklin County, ss

I, MARYELLEN O'SHAUGHNESSY, Clerk  
OF THE COURT OF COMMON  
PLEAS WITHIN AND FOR  
SAID COUNTY,

HEREBY CERTIFY THAT THE ABOVE AND FORE-  
GOING IS TRULY TAKEN AND COPIED FROM THE  
ORIGINAL garnishment  
NOW ON FILE IN MY OFFICE

WITNESS MY HAND AND SEAL OF SAID COUNTY  
THIS 20 DAY OF June, A.D. 2016  
MARYELLEN O'SHAUGHNESSY, Clerk

By SW Deputy

**SECTION B.**  
**ANSWER OF GARNISHEE**

Now comes: \_\_\_\_\_, the garnishee,  
who says:

1. That the garnishee has more than \$475 in money, property, or credits, other than personal earnings, of the Judgment Debtors under the garnishee's control and in the garnishee's possession.

YES

NO

If yes, amount over \$475: \_\_\_\_\_

2. That property is described as: \_\_\_\_\_  
\_\_\_\_\_

3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, as indicated in Section A of this form, sign and return this form and pay the amount of line 1 to the clerk of this court.

4. If the answer to line 1 is "yes" and the amount is greater than that probable amount now due on the judgment, as indicated in Section A of this form, sign and return this form and pay that probable amount now due to the clerk of this court.

5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the clerk of the court, indicate that by placing an "X" in this space: \_\_\_\_\_  
Do not dispose of that money, property, or credits or give them to anyone else until further order of the court.

6. If the answer to line 1 is "no," sign and return this form to the clerk of this court.

**I CERTIFY THAT THE STATEMENTS ABOVE ARE TRUE**

**Garnishee:**

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Print Name of Garnishee

\_\_\_\_\_  
Print Title and Name of Person Who  
Completed Form on behalf of Garnishee

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State of Ohio Department of Taxation,  
Judgment Creditor,

vs.

Timothy S. Kildow  
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Judgment Debtor.

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Case No. 10-JG-034382

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FILED  
COMMON PLEAS COURT  
FRANKLIN CO., OHIO  
2016 JUN 20 PM 12:01  
CLERK OF COURTS

**NOTICE TO THE JUDGMENT DEBTORS**

You are hereby notified that this court has issued an order in the above case in favor of **State of Ohio Department of Taxation, 150 East Gay Street, Columbus, Ohio 43215**, the Judgment Creditor in this proceeding, directing that some of your money in excess of four hundred and seventy-five dollars, property, or credits, other than personal earnings, that now may be in the possession of **Faye D. English, Office of the Chapter 13 Trustee, 10 West Broad St., Suite 900, Columbus, OH 43215**, the garnishee in this proceeding, be used to satisfy your debt to the Judgment Creditor. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in **Franklin County Common Pleas Court in Case No. 10-JG-034382 on September 1, 2010**. Upon your receipt of this notice, you are prohibited from removing or attempting to remove the money, property, or credits until expressly permitted by the court. Any violation of this prohibition subjects you to punishment for contempt of court.

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed upon by a creditor are the following:

- (1) Workers' compensation benefits;
- (2) Unemployment compensation payments;
- (3) Cash assistance payments under the Ohio works first program;
- (4) Benefits and services under the prevention, retention, and contingency program;
- (5) Disability financial assistance administered by the Ohio department of job and family services;
- (6) Social security benefits;
- (7) Supplemental security income (S.S.I.);
- (8) Veteran's benefits;

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(9) Black lung benefits;

(10) Certain pensions.

There may be other benefits not included in the above list that apply in your case.

If you dispute the Judgment Creditor's right to garnish your property and believe that the Judgment Creditor should not be given your money, property, or credits, other than personal earnings, now in the possession of the garnishee because they are exempt or if you feel that this order is improper for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form, appearing below, or in a substantially similar form, and delivering the request for hearing to this court at the above address, at the office of the clerk of this court no later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the Judgment Creditor's right to garnish your property in the space provided on the form; however, you are not required to do so. If you do state your reasons for disputing the Judgment Creditor's right, you are not prohibited from stating any other reason at the hearing. If you do not state your reasons, it will not be held against you by the court, and you can state your reasons at the hearing. **NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.** If you request a hearing, the hearing will be limited to a consideration of the amount of your money, property, or credits, other than personal earnings, in the possession or control of the garnishee, if any, that can be used to satisfy all or part of the judgment you owe to the Judgment Creditor.

If you request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, it will be conducted in the Franklin County Common Pleas Court courtroom 2B, 345 S. High St., Columbus, OH on the 2<sup>nd</sup> Floor at 9:00 a.m. on JUL 12 2016, 20  .

You may request the court to conduct the hearing before this date by indicating your request in the space provided on the form; the court then will send you notice of any change in the date, time, or place of the hearing. If you do not request a hearing by delivering your request for a hearing no later than the end of the fifth business day after you receive this notice, some of your money, property, or credits, other than personal earnings, will be paid to the judgment creditor.

If you have any questions concerning this matter, you may contact the office of the clerk of this court. If you want legal representation, you should contact your lawyer immediately. If you need the name of a lawyer, contact the local bar association.

\_\_\_\_\_  
Clerk of the Court

Date: \_\_\_\_\_

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**REQUEST FOR HEARING ON GARNISHMENT OF PROPERTY OTHER THAN  
PERSONAL EARNINGS**

I DISPUTE THE JUDGMENT CREDITOR'S RIGHT TO GARNISH MY MONEY, PROPERTY, OR CREDITS OTHER THAN PERSONAL EARNINGS, IN THIS CASE AND REQUEST THAT A HEARING BE HELD IN THIS MATTER. I DISPUTE THE CREDITOR'S RIGHT TO GARNISH MY PROPERTY FOR THE FOLLOWING REASON(S) (OPTIONAL):

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**I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT WILL BE HEARD AT  
THE HEARING.**

IF YOU REQUEST A HEARING IT WILL BE CONDUCTED AT 345 S. HIGH ST. COLUMBUS, OHIO, ON THE 2<sup>ND</sup> FLOOR. HEARING ROOM 2B ON JUL 12 2016 AT 9:00 A.M.

IF YOU REQUEST A HEARING AN ATTEMPT WILL BE MADE TO CONTACT YOU IN ORDER TO CONFIRM THE HEARING DATE BY THE CLERK CALLING THE TELEPHONE NUMBER OR MAILING NOTIFICATION OF THE HEARING TO THE ADDRESS YOU HAVE PROVIDED BELOW. FAILURE TO RECEIVED CONFIRMATION WILL NOT EXCUSE YOUR FAILURE TO ATTEND THE HEARING AT THE DATE AND TIME INDICATED ABOVE.

\_\_\_\_\_  
(Name of Judgment Debtor)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Current Address)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(City-State-Zip Code)

\_\_\_\_\_  
(Daytime Telephone Number)

**WARNING:** If you do not deliver this request for hearing or a request for hearing in a substantially similar for to the office of the clerk of this court within five (5) business days of your receipt of it, you will have waived your right to a hearing and some of your money, property, or credits other than personal earnings now in the possession of the garnishee will be paid to the judgment creditor to satisfy some of the debt to the judgment debtor.

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